

REMARKS

This amendment is submitted in response to the Examiner's Action dated March 9, 2005. Applicant has amended the claims by incorporating features of allowable dependent claims into their respective independent claims. Applicant has also added two additional claims to the final set of claims to cover features of the invention claimed in the first two sets of claims. No new matter has been added, and the amendments place the claims in better condition for allowance. Applicant respectfully requests entry of the amendments to the claims. The discussion/arguments provided below reference the claims in their amended form.

ALLOWABLE SUBJECT MATTER

In the present Office Action, Applicant notes with appreciation that Examiner has allowed Claims 2, 8, 10 and 16. Applicants have incorporated the allowable subject matter of Claims 2 and 10 into their respective independent Claims 1 and 9. The incorporation of allowable subject matter places the independent claims and all other claims dependent thereon allowable. Further, Applicant has provided arguments below, which show why the references fail to render the remaining claims un-patentable. Applicant, therefore, respectfully requests Examiner extend the allowance to include all pending claims.

CLAIMS OBJECTIONS

In the present Office Action, Claims 4-7 are objected to because of informalities. Accordingly, Applicants have amended Claims 4-7 to overcome the noted informality. The correction of the informality overcomes the claim objections and places the claims in condition for allowance.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

In the present Office Action, Claims 1, 4-5, 9, 12, 17-19 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Raith* in view of *Abdella*. Also, in the present Office Action, Claims 6-7 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Raith* in view of *Abdella* and *Kameyama*. As stated above, Claims 1 and 9 now include subject matter, which Examiner has stated is allowable. Claims 1 and 9 and all claims dependent

thereon (namely, Claims 4-5, 6-7, 9, 12, 14-15, and 21-24) are allowable over the combinations of references.

With respect to Claims 17-19 and newly added Claims 25-26, neither of the above combinations suggests the subject matter of these claims and thus neither combination renders any of these claims un-patentable. Applicant's Claim 17 recites:

means for providing a user of said cellular phone with a display of available minutes in a service plan associated with said cellular phone, wherein said available minutes are displayed as a graphical bar on a display device built into said cellular phone and said graphical bar is displayed at one or more of a number of programmed display periods including: at power on of said cellular telephone; at completion of each cellular call; at a user request for display of available minutes; and continuously while said display device is on (emphasis added).

None of the references teach or suggest displaying available minutes in a service plan as a graphical bar on the display device of a cellular phone. The limitations of *Raith* are described in details in the Appeal Brief, relevant contents of which are hereby incorporated by reference. *Raith* generally describes providing usage information for a subscriber by tracking the usage data in a subscriber information database and communicating the information to the subscriber terminal (Abstract).

Notably, Examiner admits to the limitations of *Raith* by stating that: "*Raith* does not specifically teach (1) service plan minutes or available minutes that are (2) displayed as a graphical bar on a display device at one or more of a number of (3) preprogrammed display periods..." (see page 7; numerals added). Examiner summarily lists some of the other features provided by *Raith*, even though those features are clearly distinguishable from those recited by Applicant's claims. Examiner further relies on col. 6, lines 37- 40 of *Abdella* to support the rejection of these features. However, that section of *Abdella* merely provides: "[t]his information includes an initialization value which is representative of the total monthly free time allotted under the service plan to the user of the mobile communications device 20, and, for example, a decrement rate."

Applicant is unsure how Examiner concludes from the above that displaying available minutes via a time tracking bar would have been obvious. Examiner apparently relies on hindsight analysis when he states that a time-bar "would have been obvious ... because service plan minutes are usually given on a monthly basis and a time-bar would allow for an improved method of monitoring and controlling communication cost." In fact, Examiner acknowledges by this statement that the use of a time bar is an improvement over the existing methods, making a clear argument in support of the novelty that is inherent in Applicant's claimed invention.

Examiner fails to specifically address the failure of the references (namely *Raith* and *Abdella*) to teach or suggest the time tracking bar feature, but summarily concludes that the time tracking bar would have been obvious. However, Examiner provides no substantive support within either reference for this conclusion.

----- Based on the above, it is clear that the combination does not suggest the display of available minutes using a graphical bar as recited within Applicant's Claim 17. These novel features recited by Applicant's claim would therefore not have been obvious to one skilled in the art in light of the combination, and Claim 17 and all claims dependent thereon are therefore allowable.

Additionally, with respect to the use of a non-zero threshold recited by Claim 26, the combinations of references also fail to suggest the elements of that Claim. In fact the combination fails to suggest a count down feature that tracks the remaining minutes left in an entire service plan (rather than just a single call, for example) and then alerts the user when the remaining minutes available reaches a pre-select value that is not zero minutes.

As noted in the Appeal Brief, *Raith* specifically teaches away from a non-zero threshold by teaching use of a zero threshold. *Raith* provides: "when cumulative usage ... exceeds the number of minutes in a subscriber's monthly billing plan" (col. 10, ll 1-10; emphasis added). It is clear that the threshold of interest to *Raith* is the end of the entire plan amount (i.e., the zero point) and not some fractional (non-zero) component thereof.

Kameyama, which is now cited to support the rejection of this feature of Applicant's claims also fails to teach or suggest that feature. *Kameyama* generally provides a radio telephone function that calculates a telephone call charge based and which stores a "predetermined threshold charge indicating start of charge notification, and performs charge notification if the calculated telephone charge is equal to or exceeds the predetermined threshold charge." (Abstract; *emphases added*). The cited sections of *Kameyama* (i.e., col. 6, lines 1-5 and 28-35) describes the "threshold charge" being set to \$5.00 and starting an (upward counting) charge calculation when a call is initiated and generating an alarm "when the calculated charge is equal to or above the threshold charge." Col. 8, lines 40-48 provides a claim covering similar features as described in the above section and Abstract.

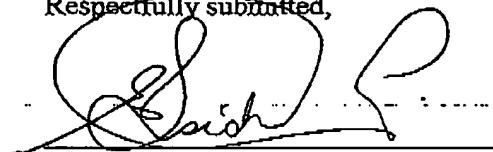
Thus, in direct contrast with Applicant's claim, which provides a count down to a non-zero threshold of total available minutes in a cellular plan, *Kameyama* provides a count up to a threshold point of cost/charge associated with a single call on a cellular phone. One skilled in the art would not find Applicant's claimed features suggestive of those provided by *Kameyama*. The specific functionality given to Applicant's "non-zero threshold" feature is thus not contemplated nor suggested by the combination, and Applicant's Claim 26, which recite this feature, is allowable over the combination.

CONCLUSION

Applicant has diligently responded to the Office Action by incorporating features of allowable dependent claims into their respective independent claims and by explaining why certain features of the remaining independent (and corresponding dependent) claims are not obvious over the combinations of references. The amendments and arguments together overcome the § 103 rejections and places the claims in condition for allowance. Applicant, therefore, respectfully requests issuance of a Notice of Allowance for all claims now pending.

Applicant also requests the Examiner contact the undersigned attorney of record at 512.343.6116 if such would further or expedite the prosecution of the present Application.

Respectfully submitted,



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